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BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION)	DOCKET NO.
On Its Own Motion)	11-0357
-vs-)	
COMMONWEALTH EDISON COMPANY)	
Reconciliation of revenues)	
collected under power procurement)	
riders with actual costs)	
associated with power procurement)	
expenditures.)	

Springfield, Illinois
Thursday, July 19, 2012

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. LARRY JONES, Administrative Law Judge

APPEARANCES:

MR. JOHN P. RATNASWAMY
ROONEY RIPPKE & RATNASWAMY LLP
350 West Hubbard Street, Suite 600
Chicago, Illinois 60654
Ph. (312) 447-2850

(Appearing via teleconference on
behalf of Commonwealth Edison
Company)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1	<u>I N D E X</u>			
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u> <u>RECROSS</u>
3	(None)			
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13	<u>EXHIBITS</u>			
14			<u>MARKED</u>	<u>ADMITTED</u>
15	ComEd 1.0, 1.1, 1.2, 1.3		E-Docket	24
16	ComEd 1.4		E-Docket	29
	ComEd 2.0, 2.1		E-Docket	24
17	ComEd 2.2		E-Docket	29
18	ICC Staff 1.0R, 1.1R		E-Docket	29
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PROCEEDINGS

JUDGE JONES: Good morning. I call for hearing Docket Number 11-0357. This is titled in part Illinois Commerce Commission on its own motion versus Commonwealth Edison Company, reconciliation of revenues collected under power procurement riders with actual costs associated with power procurement expenditures.

At this time we will take the appearances orally for the record. You need not restate your business address or phone number or re-spell your name unless any of those things have changed. We will start with the appearance or appearances on behalf of Commonwealth Edison Company.

MR. RATNASWAMY: John Ratnaswamy on behalf of Commonwealth Edison Company.

MR. BERNSTEIN: And Eugene Bernstein, B-E-R-N-S-T-E-I-N, Exelon Business Services. My address has not changed.

MR. OLIVERO: And appearing on behalf of the Staff witnesses of the Illinois Commerce Commission, Angelique Palmer and James Olivero.

1 JUDGE JONES: Thank you. Are there any other
2 appearance?

3 (No response.)

4 Let the record show there are not.

5 Is it the preference of the parties to
6 proceed today with the identification and offering of
7 the various testimonies and exhibits that have been
8 filed on e-Docket?

9 MR. RATNASWAMY: For Commonwealth Edison
10 Company, yes, Your Honor. I don't have the witnesses
11 live. The thought is that we would submit -- we
12 would move to enter the evidence subject to our
13 filing of affidavits supporting the evidence for the
14 Company witnesses.

15 JUDGE JONES: Thank you. Commission Staff?

16 MR. OLIVERO: Yeah, we were prepared to enter
17 into evidence, and we had gone ahead and filed our
18 affidavit this morning for Ms. Pearce's testimony.
19 But I understand getting the affidavits and filing
20 them at some later time was fine with Staff.

21 JUDGE JONES: All right. That will be
22 permitted. Are you ready to offer those items into

1 the evidentiary record, Mr. Ratnaswamy?

2 MR. RATNASWAMY: Yes. Yes, sir. So on behalf
3 of Commonwealth Edison Company, the exhibits are as
4 follows. We would move those into evidence, again
5 subject to our submitting affidavits from the two
6 witnesses.

7 And first there is the direct
8 testimony of Kevin Waden which is ComEd Exhibit 1.0
9 and which has three attachments numbered ComEd
10 Exhibits 1.1, 1.2 and 1.3.

11 And the other evidence is the direct
12 testimony of William McNeil which is ComEd Exhibit
13 2.0 and which has one attachment which is ComEd
14 Exhibit 2.1.

15 And that completes the ComEd evidence.

16 JUDGE JONES: Does Staff have any
17 clarifications or objections regarding the admission
18 of those items subject to the later submission of
19 affidavits?

20 MR. OLIVERO: No, Your Honor.

21 JUDGE JONES: Let the record show that those
22 evidentiary items are admitted into the evidentiary

1 record subject to the filing of affidavits within 14
2 days. Those items were all filed on e-Docket on
3 March 29, 2012. They are admitted as they appear on
4 the e-Docket system. As noted they consist of ComEd
5 Exhibits 1.0, 1.1, 1.2, 1.3, 2.0 and 2.1.

6 (Whereupon ComEd Exhibits 1.0,
7 1.1, 1.2, 1.3, 2.0 and 2.1 were
8 admitted into evidence.)

9 JUDGE JONES: All right. Mr. Ratnaswamy, is
10 there anything else regarding the ComEd case before
11 we turn it over to Staff?

12 MR. RATNASWAMY: No, Your Honor. Thank you.

13 JUDGE JONES: All right. Is Staff ready to
14 proceed with its testimony.

15 MR. OLIVERO: We are, Your Honor. At this
16 time, Your Honor, Staff would move for admission into
17 the record of ICC Staff Exhibit 1.0 which is the
18 direct testimony of Bonita Pearce which consists of a
19 cover page and four pages of narrative testimony and
20 was filed on the Commission's e-Docket system June
21 27, 2012. Staff had filed an errata regarding
22 Appendix 1 which was attached to Staff Exhibit 1, and

1 I think we filed that errata on Tuesday, actually.
2 Yeah, July 16 -- or Monday, July 16, I am sorry.
3 Which then has a revised Appendix 1 identified as
4 Appendix 1R which Staff would be moving for admission
5 into the record as opposed to the original filing
6 which was the Appendix 1 with the direct testimony.

7 And then finally Staff would move for
8 admission into the record of ICC Staff Exhibit 1.1
9 which is the affidavit of Ms. Pearce which was filed
10 on the Commission's e-Docket system this morning,
11 July 19, 2012.

12 JUDGE JONES: All right. Thank you. I notice
13 on e-Docket the original 1.0 filing was identified as
14 File Number 1. Now, the appendix was just a part of
15 the exhibit, is that correct?

16 MR. OLIVERO: That's correct.

17 JUDGE JONES: So are you no longer offering
18 that appendix?

19 MR. OLIVERO: We no longer want to offer
20 Appendix 1 without the R as an exhibit because we
21 corrected it in 1R.

22 JUDGE JONES: Since 1.0 is not being offered as

1 it appears on e-Docket and the appendix is not a
2 stand-alone exhibit, rather it was part of 1.0, then
3 the better course is probably that 1.0 as revised or
4 as it currently is being offered should be filed on
5 e-Docket.

6 MR. OLIVERO: All right. We can do that later
7 today.

8 JUDGE JONES: Yeah.

9 MR. OLIVERO: So we will do that as Exhibit 1
10 with the Revised Appendix 1, 1R, and then that will
11 just be the one exhibit that we would move.

12 JUDGE JONES: Again, it will be all inclusive
13 as the original exhibit except it will have the
14 updated or revised appendix in it.

15 MR. OLIVERO: That's fine.

16 JUDGE JONES: And that could be called Exhibit
17 1.0 Revised or whatever terminology you want to use.

18 MR. OLIVERO: Yeah, that's fine. We will do it
19 as 1.0R with the appendix and then we will have the
20 appendix still have the 1R, I guess, just for
21 clarification.

22 JUDGE JONES: Yeah, the appendix in its then

1 current form will still be part of 1.0, is that the
2 new 1.0?

3 MR. OLIVERO: Right. We will file them
4 together with the corrected one and there will just
5 be the one exhibit.

6 JUDGE JONES: At that point you can call the
7 appendix whatever you want to call it.

8 MR. OLIVERO: Yeah, okay.

9 JUDGE JONES: Because it will be part of 1.0.

10 MR. OLIVERO: 1.0 Revised, okay.

11 JUDGE JONES: So leave is -- seven days is
12 given to Staff to make that filing. Will that
13 necessitate a new affidavit or is the current one
14 worded in a way --

15 MR. OLIVERO: No, I think it would probably
16 require us to refile because I think I had
17 specifically designated ICC Staff Exhibit 1.0. So we
18 can go ahead and get that filed at the same time, and
19 then I guess I would designate that as ICC Staff
20 Exhibit 1.1R.

21 JUDGE JONES: Okay, fair enough. And you
22 prefer to do it that way rather than just incorporate

1 that affidavit into the exhibit? It doesn't really
2 matter to me. Since it is being done at the same
3 time, you could do it either way. As long as we know
4 up front how you want to do it, it could be one item
5 or two.

6 MR. OLIVERO: We may do it as one then. I will
7 check with Lisa. That's not a bad idea.

8 JUDGE JONES: If you are not sure, I need to
9 give some kind of accommodation for it in the record
10 today that will match up with whatever is filed. If
11 you just want to keep it as two filings because of
12 uncertainty, that's okay, too.

13 MR. OLIVERO: I would have to check with her,
14 but I know it is easier -- we typically file the
15 exhibits separately or the affidavit separately. So
16 we will -- to err on the side of safety, I will do it
17 separately and then just designate it as 1.1R.

18 JUDGE JONES: That's fine. Let the record show
19 those items are admitted into the evidentiary record
20 or will be deemed admitted into the evidentiary
21 record upon being filed on e-Docket. That would be
22 Staff Exhibit 1.1 Revised and 1.0 Revised.

1 (Whereupon ICC Staff Exhibits
2 1.0 Revised and 1.1 Revised were
3 admitted into evidence.)

4 JUDGE JONES: Is there any other questions
5 about that?

6 (No response.)

7 Let the record show there are not.

8 MR. RATNASWAMY: Your Honor?

9 JUDGE JONES: Yes, sir.

10 MR. RATNASWAMY: I think to be consistent then
11 ComEd should number the forthcoming affidavit as an
12 exhibit as well, which would make Mr. Waden's ComEd
13 Exhibit 1.4 and Mr. McNeil's affidavit would be ComEd
14 Exhibit 2.2.

15 JUDGE JONES: Yeah, I think that's a good idea.
16 So that is how that will be -- that is how that will
17 be done. And the affidavits themselves will also be
18 treated as part of the evidentiary record upon being
19 filed by ComEd.

20 (Whereupon ComEd Exhibits 1.4
21 and 2.2 were admitted into
22 evidence.)

1 JUDGE JONES: Anything else on the ComEd or
2 Staff exhibits?

3 MR. OLIVERO: No, sir.

4 JUDGE JONES: Let the record show there are
5 not.

6 Have the parties come up with any
7 other post-hearing filing scheduling such as a
8 suggested Order at this time?

9 MR. RATNASWAMY: Yes, Your Honor. We have a
10 two-step proposal. Working sort of backwards, we
11 propose to submit to you an agreed proposed Order of
12 both ComEd and Staff five weeks from today. And in
13 order to make it agreed, ComEd would commit to
14 providing a draft to Staff no later than three weeks
15 from today, maybe substantially quicker, but I think
16 three weeks is prudent.

17 JUDGE JONES: Well, the first of those events
18 will happen on August 9 and the actual filing will be
19 August 23, is that right?

20 MR. OLIVERO: That's correct.

21 MR. RATNASWAMY: Yes. I mean, we may finish
22 faster than that, but those are the proposed dates.

1 JUDGE JONES: All right. Those are the dates
2 that match up with the three weeks and the five weeks
3 in any event, is that correct?

4 MR. RATNASWAMY: Right, right.

5 JUDGE JONES: All right. Thank you. All
6 right. Does that correspond with Staff's belief?

7 MR. OLIVERO: It is, Your Honor. That's the
8 agreement.

9 JUDGE JONES: All right. That scheduling
10 involving the suggested Order process or draft Order
11 process is identified on the record and hereby
12 adopted.

13 One other quick thing before we
14 conclude, I note that on page 3 of the Initiating
15 Order, the second full paragraph states in part
16 "Additionally, ComEd shall include a schedule
17 presenting accumulative totals of incremental costs
18 and accumulative totals of recoveries by wholesale
19 product to the extent such information is reasonably
20 available." So the suggested Order or draft Order
21 could indicate where in the record that has occurred.

22 Is that acceptable to you,

1 Mr. Ratnaswamy?

2 MR. RATNASWAMY: Yes. That's basically

3 Mr. Waden's Exhibit 1.3. So, yes.

4 JUDGE JONES: Thank you. Do the parties have

5 anything else then before we conclude this hearing?

6 MR. OLIVERO: Not on behalf of Staff, Your

7 Honor.

8 JUDGE JONES: All right.

9 MR. RATNASWAMY: Nothing on behalf of ComEd,

10 sir.

11 JUDGE JONES: Thank you. Let the record show

12 that today's hearing is over. Our thanks to

13 Mr. Ratnaswamy for providing a call-in number.

14 At this time subject to the

15 above-described post-hearing scheduling, this matter

16 is hereby marked heard and taken.

17 HEARD AND TAKEN

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